

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re application of:</b> <b>Barker et al.</b>  <b>Serial No.: 10/047,784</b>  <b>Filed: January 14, 2002</b>  <b>Title: System and Method for Obtaining</b> <b>Display Names from Management</b> <b>Models</b>	§ <b>Group Art Unit: 2122</b> § <b>Confirmation No.: 5069</b> § § <b>Examiner: Rutten, James D.</b> § § <b>Attorney Docket No. RSW920010051US1</b> § § <b>IBM Corporation, IP Law Department</b> § <b>3039 Cornwallis Rd</b> § <b>T81 / B503</b> § <b>Research Triangle Park, NC 27709</b>
---	--

**Certificate of Transmission Under C.F.R. §1.8(a)**

I hereby certify that this correspondence was electronically transmitted to the United States Patent Office on November 22, 2006.

By: /Joseph T. Van Leeuwen, Reg. No. 44,383/  
Joseph T. Van Leeuwen, Reg. No. 44,383

11/22/2006  
Date

**APPELLANTS' BRIEF (37 CFR § 41.37)**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**A. INTRODUCTORY COMMENTS**

This brief is filed in support of the previously filed Notice of Appeal, filed in this case on August 22, 2006, which appealed from the decision of the Examiner dated November 17, 2005, finally rejecting claims 1-2, 4-16, and 18-28.

A one-month extension of time is believed to be necessary, payment for which is enclosed. If, however, a further extension of time is required, the extension is requested, and the undersigned hereby authorizes the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

**B. REAL PARTY IN INTEREST**

The real party in interest in this appeal is International Business Machines Corporation, which is the assignee of the entire right, title, and interest in the above-identified patent application.

**C. RELATED APPEALS AND INTERFERENCES**

With respect to other prior or pending appeals, interferences, or judicial proceedings that are related to, will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such prior or pending appeals, interferences, or judicial proceeding known to Appellants, Appellants' legal representative, or assignee.

**D. STATUS OF CLAIMS***1. Total number of claims in application*

There are 25 claims pending. Three claims are independent claims (1, 8, 15, 22-26 and 28), and the remaining claims are dependent claims.

*2. Status of all claims in application*

- Claims canceled: 3, 10, and 17.
- Claims withdrawn from consideration but not canceled: None
- Claims pending: 1-2, 4-16, and 18-28.
- Claims allowed: None
- Claims rejected: 1-2, 4-16, and 18-28.

*3. Claims on appeal*

The claims on appeal are: 1-2, 4-16, and 18-28.

**E. STATUS OF AMENDMENTS**

All amendments have been entered in this case. Claim 10 was canceled after the Final Office Action and this amendment was entered as indicated in the Replacement Advisory Action dated 31 May 2006.

## F. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants provide a concise summary of the claimed subject matter as follows. Claims 1, 8, 15, 22-26 and 28 are independent claims. Note that claims 1, 2, 4-7, 22, 23, 26 and 27 are method claims, claims 8, 9, 11-14, and 24 are information handling system claims, and claims 15, 16, 18-21, 25, and 28 are computer program product claims. Independent claim 15 includes means plus function limitations that correspond to the method steps set forth in independent claim 1, independent claim 25 includes means plus function limitations that correspond to the method steps set forth in independent claim 22. An information handling system capable of implementing Appellants' invention, as claimed in independent claims 8 and 24, is shown in Figure 18, and described in Appellants' specification on page 45, line 10 through page 46, line 24. Support for independent computer program product claims 15, 25, and 28 is described in Appellants' specification on page 46, line 25 through page 47, line 14. In addition, support for each of the method steps and means plus function limitations of the independent claims are discussed below. The specific citations to Appellants' Figures and Specification are meant to be exemplary in nature, and do not limit the scope of the claims. In particular, the citations below do not limit the scope of equivalents as provided under 35 U.S.C. § 112, sixth paragraph.

### **Support for Appellants' Claims**

The claimed invention is a method, information handling system, and computer program product for obtaining display names from management models (see e.g., Figures 9, 15, and 17 and corresponding descriptions). Independent claim 1 includes the following limitations, support for which can be found throughout Appellants' application and drawings with exemplary support found at the locations parenthetically noted:

receiving an element identifier (see, e.g., Figure 15, element 1505, p. 38, lines 17-18);  
 retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element (see, e.g., Figure 15, elements 1515 through 1580, depending upon the type of element and whether the element has a particular qualifier, p. 38, line 19 through p. 40, line 16);

displaying the retrieved name on a display device (see, e.g., Figure 9, elements 930, 940, and 980, wherein element 930 is a display panel, 930 is one embodiment of displaying retrieved names as a tab label, and element 980 is another embodiment of displaying retrieved names as a textual label, p. 27, line 5 through p. 29, line 5);

locating a qualifier corresponding to the retrieved name (see, e.g., Figure 15, elements 1520 and 1550 where the CIM file searches for a CIM qualifier (e.g., “DisplayName”), p. 38, lines 20-24, and p. 39, lines 14-18);

reading a qualifier value corresponding to the qualifier (see, e.g., Figure 15, elements 1530 and 1560, p. 38, lines 25-28, and p. 39, lines 19-22); and

replacing the retrieved name with the qualifier value prior to the displaying (see, e.g., Figure 15, element 1585 where the display name is returned with the qualifier value if one was located, p. 40, lines 17-20).

Appellants’ claim 8 is an information handling system claim that claims the above-described method running on an information handling system. As previously mentioned, support for the information handling system is provided in Figure 18, page 45, line 10 through page 46, line 24. Figure 18 includes support for the following claim limitations found in claim 8 with exemplary support found at the locations parenthetically noted:

one or more processors (see, e.g., Figure 18, processor element 1800, p. 45, line 10 through p. 46, line 24); a memory accessible by the processors (see, e.g., Figure 18, main memory element 1820); a nonvolatile storage area accessible by the processors (see, e.g., Figure 18, IDE element 1850, HDD element 1872, and Fibre Channel element 1832).

Further, claim 8 includes the same steps as those of claim 1 executing on the information handling system. For support of these steps, please refer to the support shown in reference to claim 1, above. As described above, support for the information handling system is provided Figure 18, and described in Appellants’ specification on page 45, line 10 through page 46, line 24. The disclosed information handling system provides a processor, memory, and nonvolatile storage for executing the display name tool that includes the logic set forth in the method steps. Claim 15 is a program product claim of the method claimed in claim 1 stored on a computer operable medium (see, e.g., Figure 18, reference numeral 1872).

Independent claim 22 includes the following limitations, support for which can be found throughout Appellants' application and drawings with exemplary support found at the locations parenthetically noted:

receiving an element identifier (see, e.g., Figure 15, element 1505, p. 38, lines 17-18); retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element (see, e.g., Figure 15, elements 1515 through 1580, depending upon the type of element and whether the element has a particular qualifier, p. 38, line 19 through p. 40, line 16); retrieving an instance name from a management data definition in response to determining that an element corresponding to the element identifier is an instance element (see, e.g., Figure 15, reference numeral 1520, page 38, line 15 through page 40, line 10); locating a qualifier corresponding to the retrieved name (see, e.g., Figure 15, reference numeral 1530, page 38, line 15 through page 40, line 10); reading a qualifier value corresponding to the qualifier (see, e.g., Figure 15, reference numeral 1530, page 38, line 15 through page 40, line 10); replacing the retrieved name with the qualifier value (see, e.g., Figure 15, reference numeral 1585, page 38, line 15 through page 40, line 10); and displaying the retrieved name on a display device Figure 7, reference numerals 710, page 23, line 8 through page 25, line 22).

Independent claim 23 includes the following limitations, support for which can be found throughout Appellants' application and drawings with exemplary support found at the locations parenthetically noted:

receiving an element identifier (see, e.g., Figure 15, element 1505, p. 38, lines 17-18); retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element, wherein the management data definition includes a common information model managed object format file (see, e.g.,

Figure 15, reference numerals 1515, 1530, 1540, 1560, and 1580, page 38, line 15 through page 40, line 10); retrieving an instance name from a management data definition in response to determining that an element corresponding to the element identifier is an instance element (see, e.g., Figure 15, reference numerals 1515, 1560, and 1580, page 38, line 15 through page 40, line 10); locating a qualifier corresponding to the retrieved name (see, e.g., Figure 15, reference numerals 1520 and 1550, page 38, line 15 through page 40, line 10); reading a qualifier value corresponding to the qualifier (see, e.g., Figure 15, reference numerals 1530 and 1560, page 38, line 15 through page 40, line 10); replacing the retrieved name with the qualifier value; and displaying the retrieved name on a display device (see, e.g., Figure 15, reference numeral 1585, page 38, line 15 through page 40, line 10).

Independent claim 24 includes the following limitations, support for which can be found throughout Appellants' application and drawings with exemplary support found at the locations parenthetically noted:

one or more processors (see, e.g., Figure 18, processor element 1800, p. 45, line 10 through p. 46, line 24); a memory accessible by the processors (see, e.g., Figure 18, main memory element 1820); a nonvolatile storage area accessible by the processors (see, e.g., Figure 18, IDE element 1850, HDD element 1872, and Fibre Channel element 1832); and a display name tool for generating display names from a management definition file stored on the nonvolatile storage device (see, e.g., Figure 15, element 1500, page 38, line 15 through page 40, line 10), the display name tool including:

input logic for receiving an element identifier (see, e.g., Figure 15, element 1505, page 38, line 15 through page 40, line 10 operated by code stored in memory element 1820 shown in Figure 18, by processor 1800); retrieval logic for retrieving a non-instance name from a management data definition in response to determining that an element corresponding to the element identifier is a non-instance element, wherein the management data definition includes a common information model managed object format file (see, e.g., Figure 15, reference numerals 1515 and 1520, page 38, line 15 through page 40, line 10 operated by code stored in memory element 1820 shown in Figure 18, by processor 1800); retrieval logic for retrieving an instance name from the

management data definition in response to determining that an element corresponding to the element identifier is an instance element (see, e.g., Figure 15, reference numerals 1515 and 1550, page 38, line 15 through page 40, line 10 operated by code stored in memory element 1820 shown in Figure 18, by processor 1800); display logic for displaying the retrieved name on a display device (see, e.g., Figure 7, reference numerals 710, page 23, line 8 through page 25, line 22 operated by code stored in memory element 1820 shown in Figure 18, by processor 1800 and displayed on display panel 890 shown in Figure 8, page 25, line 23 through page 27 line 4); retrieval logic for searching a translation file for a translated string that corresponds to the retrieved name (see, e.g., Figure 15, reference numerals 1530, 1540, 1550, and 1560, page 38, line 15 through page 40, line 10, operated by code stored in memory element 1820 shown in Figure 18, by processor 1800); and output logic for replacing the retrieved name with the translated string prior to displaying the retrieved name (see, e.g., Figure 15, reference numeral 1585, page 38, line 15 through page 40, line 10, operated by code stored in memory element 1820 shown in Figure 18, by processor 1800).

Independent claim 25 includes the following limitations, support for which can be found throughout Appellants' application and drawings with exemplary support found at the locations parenthetically noted:

a computer program product comprising:

means for receiving an element identifier (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numerals 1504 and 1505, page 38, line 15 through page 40, line 10);

means for retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element, wherein the management data definition includes a common information model managed object format file (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line

24; and Figure 15, elements 1515 through 1580, depending upon the type of element and whether the element has a particular qualifier, p. 38, line 19 through p. 40, line 16);

means for displaying the retrieved name on a display device (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 7, reference numerals 710, page 23, line 8 through page 25, line 22);

means for locating a qualifier corresponding to the retrieved name (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numerals 1520 and 1550, page 38, line 15 through page 40, line 10);

means for reading a qualifier value corresponding to the qualifier (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numerals 1530 and 1560, page 38, line 15 through page 40, line 10); and

means for replacing the retrieved name with the qualifier value prior to the displaying (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numeral 1585, page 38, line 15 through page 40, line 10).

Independent claim 26 includes the following limitations, support for which can be found throughout Appellants' application and drawings with exemplary support found at the locations parenthetically noted:

identifying a data element in a model of a managed system (see, e.g., Figure 15, reference numerals 1502, 1504 and 1505, page 38, line 15 through page 40, line 10); constructing a display name for the data element (see, e.g., Figure 15, reference numeral 1500, page 38, line 15 through page 40, line 10);, wherein said constructing includes:

determining if a pre-defined display name is associated with the data element, wherein the pre-defined display name is a qualifier value associated with the data element (see, e.g., Figure 15, reference numerals 1520 and 1550, page 38, line 15 through page 40, line 10); in response to a determination that a display name is associated with the data element, constructing the display name from the pre-defined display name (see, e.g., Figure 15, reference numerals 1530 and 1560, page 38, line 15 through page 40, line 10); determining if the data element corresponds to an instance in the system model (see, e.g., Figure 15, reference numeral 1515, page 38, line 15 through page 40, line 10); in



response to a determination that the data element corresponds to an instance in the system model and that no pre-defined display name is associated with the data element, constructing the display name from one or more non-propagated key properties associated with the data element (see, e.g., Figure 15, reference numerals 1550, 1570, and 1575, page 38, line 15 through page 40, line 10); and displaying the display name on a display device (see, e.g., Figure 7, reference numerals 710, page 23, line 8 through page 25, line 22).

Independent claim 28 includes the following limitations, support for which can be found throughout Appellants' application and drawings with exemplary support found at the locations parenthetically noted:

first instructions for identifying a data element in a model of a managed system (see e.g., Figure 18, reference numeral 1872, Figure 15, reference numerals 1502, 1504 and 1505, page 38, line 15 through page 40, line 10); second instructions for constructing a display name for the data element (see e.g., Figure 18, reference numeral 1872, Figure 15, reference numeral 1500, page 38, line 15 through page 40, line 10), wherein said constructing includes:

third instructions for determining if a pre-defined display name is associated with the data element, wherein the pre-defined display name is a qualifier value associated with the data element (see e.g., Figure 18, reference numeral 1872, Figure 15, reference numerals 1520 and 1550, page 38, line 15 through page 40, line 10); fourth instructions for constructing the display name from the pre-defined display name in response to a determination that a display name is associated with the data element (see e.g., Figure 18, reference numeral 1872, Figure 15, reference numerals 1530 and 1560, page 38, line 15 through page 40, line 10); fifth instructions for determining if the data element corresponds to an instance in the system model (see e.g., Figure 18, reference numeral 1872, Figure 15, reference numeral 1515, page 38, line 15 through page 40, line 10); sixth instructions for constructing the display name from one or more non-propagated key properties associated with the data element in response to a determination that the data element corresponds to an instance in the system model and that no pre-defined display name is associated with the data element (see e.g., Figure 18, reference numeral 1872, Figure 15, reference numerals 1550, 1570, and 1575, page 38, line 15 through page 40, line 10); and

seventh instructions for displaying the display name on a display device (see e.g., Figure 18, reference numeral 1872, Figure 7, reference numerals 710, page 23, line 8 through page 25, line 22).

Appellants argue the claims in several groups, and, as required by 37 C.F.R. §41.37(c)(1)(v), Appellants provide support from the specification for the means plus function elements of each dependent claim argued separately below.

Dependent claim 18 is argued separately below, as part of a group including claims 4, 11, and 18. Claim 18 includes means for searching a translation file for a translated string that corresponds to the retrieved name (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numerals 1530, 1540, 1550, and 1560, page 38, line 15 through page 40, line 10); and means for replacing the retrieved name with the translated string prior to the displaying (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numeral 1585, page 38, line 15 through page 40, line 10).

Dependent claim 19 is argued separately below, as part of a group including claims 5, 12, and 19. Claim 19 includes means for receiving an element request from a calling routine, the element request including the element identifier (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numerals 1504 and 1505, page 38, line 15 through page 40, line 10); and means for returning the retrieved name to the calling routine (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numeral 1585, page 38, line 15 through page 40, line 10).

Dependent claim 20 is argued separately below, as part of a group including claims 6, 13, and 20. Claim 20 includes means for identifying a plurality of properties corresponding to the element identifier (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 16, reference numerals 1640 through 1652, page 40, line 21 through page 43, line 17); means for retrieving a plurality of values, wherein each of the values corresponds with

one of the properties (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numerals 1575 and 1580, page 38, line 15 through page 40, line 10); and means for writing each of the properties followed by the value corresponding to the property to the retrieved name (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numeral 1575, page 38, line 15 through page 40, line 10).

Dependent claim 21 is argued separately below, as part of a group including claims 7, 14, and 21. Claim 21 includes means for displaying the retrieved name on a display device (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 7, reference numerals 710, page 23, line 8 through page 25, line 22); means for locating a qualifier corresponding to the retrieved name (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numerals 1520 and 1550, page 38, line 15 through page 40, line 10); means for reading a qualifier value corresponding to the qualifier (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numerals 1530 and 1560, page 38, line 15 through page 40, line 10); and means for replacing the retrieved name with the qualifier value prior to the displaying (see e.g., Figure 18, reference numeral 1872, page 45, line 10 through page 46, line 24; and Figure 15, reference numeral 1585, page 38, line 15 through page 40, line 10).

## G. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-2, 4-16, and 18-25 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious, and therefore unpatentable, over a non-patent reference titled “WBEM on Sun Developer’s Guide” by Sun Microsystems, Inc. (hereinafter “WBEM”) in view of U.S. Patent No. 5,635,918 to Richard J. Tett (hereinafter “Tett”). Claims 26 and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious, and therefore unpatentable, over WBEM in view of Tett in further view of a document titled “Common Information Model (CIM) Specification” by Distributed Management Task Force, Inc. (hereinafter “CIM Specification”), in further view of another document by Distributed Management Task Force, Inc. titled “DMTF Core CIM v2.3 LDAP Mapping” (hereinafter “CIM Mapping”).

## H. ARGUMENTS -

### 1. There is No Motivation to Combine WBEM and Tett. The Examiner Clearly Used Impermissible Hindsight in Rejecting Appellants’ Claims

The Office bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The Examiner has failed to meet that burden for the following reasons. For an invention to be *prima facie* obvious, there must be some suggestion or motivation to combine the references. Applicable sections of the MPEP are as follows:

MPEP § 706.02(j) states, inter alia:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

MPEP § 2143.01 states, inter alia (emphasis added):

"There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) (The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a *prima facie* case of obvious was held improper.). The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

"In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also *In re Lee*, 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (discussing the importance of relying on objective evidence and making specific factual findings with respect to the motivation to combine references); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

...

#### **FACT THAT REFERENCES CAN BE COMBINED OR MODIFIED IS NOT SUFFICIENT TO ESTABLISH *PRIMA FACIE* OBVIOUSNESS**

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (Claims were directed to an apparatus for producing an aerated cementitious composition by drawing air into the cementitious composition by driving the output pump at a capacity greater than the feed rate. The prior art reference taught that the feed means can be run at a variable speed, however the court found that this does not require that the output pump be run at the claimed speed so that air is drawn into the mixing chamber and is entrained in the ingredients during operation. Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references).

Regarding the references used by the Examiner to support the rejection of claims 1-2, 4-16, and 18-28, the best motivation the Examiner can grasp for combining these references is that “both ... are involved in the display of information.” (Final Office Action, page 4, reiterated in the Advisory Action). As clearly stated in MPEP § 2143.01, “the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination” (citing *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)). In this case, nowhere does the Web-Based Enterprise Management (WBEM) document suggest the desirability of using any type of wireless transmissions, which is the subject of Tett. Likewise, Tett is focused on wireless transmissions and, nowhere does Tett suggest the desirability of using his apparatus for controlling message delivery to a wireless receiver using any CIM or MOF technology, which is the focus of WBEM. The only conclusion that can be drawn is that the Examiner simply used Appellants’ claims as “guideposts” in selecting the prior art reference with little or no regard to whether the references are properly combinable. When Appellants responded to the first Office Action and argued that there was no motivation to combine the references, the only reason the Examiner provided for combining the references was that they both deal with displaying information. However, Appellants point out that the information that each reference displays has *nothing to do with the other* (Tett being focused on displaying wireless transmission data that has nothing to do with CIM or MOF technology, and WBEM being focused on displaying CIM and MOF technology with absolutely nothing to do with displaying wireless transmissions).

Allowing the Examiner’s to combine the references with such a broad and all-encompassing rationale would, in effect, render important sections of the MPEP entirely obsolete (namely MPEP §§ § 706.02(j) and 2143.01). Using the rationale proffered by the Examiner would allow *any* art to be combined, regardless of whether the art has nothing to do with each other (as is the case of the WBEM and Tett references). For example, an examiner could combine art simply because two pieces of art generally deal with computer technology, regardless of the disparate nature of individual references.

Generally, the Sun WBEM reference provides a description of using Web-Based Enterprise Management (WBEM), which is described as both an initiative and a technology (see page 3). Included in Sun WBEM are topics regarding WBEM, the Common Information Model

(CIM), Managed Object Format (MOF), and CIM and Solaris. Nowhere does the Sun WBEM reference teach or suggest using any wireless transmissions. On the other hand, Tett teaches a method and apparatus for controlling message delivery to wireless receiver devices so that condensed messages can be sent to a wireless receiver and, once at the receiver, expanded into a second message (see Tett, Abstract). Nowhere does Tett teach or suggest using his method and apparatus with a system such as the WBEM system, nor does Tett ever refer to using his system and method in conjunction with CIM or MOF technology.

The Examiner improperly used Appellants' claims as "guideposts" in selecting the references and simply concluded that it would be "obvious" to combine the references. In doing so, Appellants assert that the Examiner used impermissible hindsight in combining WBEM and Tett in order to support a rejection of Appellants' claims. As stated in MPEP § 2143.03, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination" (emphasis added). In this case, the prior art simply does not suggest the desirability of combining these references.

Appellants assert that the Examiner fails to satisfy the burden set forth in MPEP §§ 706.02(j) and 2143.03 in support of an obviousness objection, particularly because there is no motivation to combine the references. Furthermore, the Examiner fails to explain how combining the CIM/MOF technologies of WBEM with the wireless transmission technology of Tett would result in a workable solution without relying on Appellants' disclosure. Thus, Appellants contend that the Examiner used impermissible hindsight in rejecting Appellants' claims.

For the reasons set forth above, Appellants respectfully submit that claims 1-2, 4-16, and 18-28 are not obvious, and are therefore patentable over WBEM in view of Tett, because there is no motivation to combine the prior art references used by the Examiner and the Examiner used impermissible hindsight in rejecting Appellants' claims. The Examiner, therefore, has failed to establish a *prima facie* case of obviousness. Appellants therefore respectfully request that the Board reverse the Examiner's rejections of these claims and that claims 1-2, 4-16, and 18-28 be allowed.

**2. Claims 1-2, 4-16, and 18-28 Are Not Obvious in light of Sun WBEM in view of Tett and are therefore Patentable Over the Art of Record**

The Office bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The Examiner has failed to meet that burden for the following reasons. For an invention to be *prima facie* obvious, the prior art must teach or suggest all claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

**Group 1 – Independent Claims 1, 8, and 15**

Appellants’ independent claims 1, 8, 15, and 22-25 are directed towards a method/information handling system/program product for generating display names for management definition data elements, and each of these claims include the limitations of:

- receiving an element identifier;
- retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element;
- displaying the retrieved name on a display device;
- locating a qualifier corresponding to the retrieved name;
- reading a qualifier value corresponding to the qualifier; and
- replacing the retrieved name with the qualifier value prior to the displaying.

With respect to claim 1, the rejection of which is representative of the rejections of the other claims, the Examiner stated:

In regard to claim 1, Sun WBEM discloses:

A method (page 25: “Navigating in CIM Workshop”) of generating display names for management definition data elements, said method comprising:

receiving an element identifier See bottom of page 25:



When you first start CIM WorkShop, the classes of the CIM Schema display hierarchically in the left side of the SIM WorkShop window. This arrangement of classes is referred to as the class inheritance tree. When you **select a class**, its associated properties are listed in the right side of the window. (emphasis provided by Examiner)

Appellants respectfully disagree with the Examiner's assertion that Sun WBEM's teaches Appellants' retrieval of an "element identifier." Instead, Sun WBEM teaches the selection of a "class." As known by those skilled in the art of object-oriented programming, a "class" is separate and distinct from "objects" (i.e., elements). A "class" is reusable and defines the data that is handled. An "object" is an instance of the class. As "classes" are reusable, multiple "objects" can be instantiated from the class, however classes themselves are not instance elements, they are only used to create instance elements. Each of the instantiated elements are characterized by a unique identifier that corresponds to the element. In Appellants' limitation, the data received is the "element identifier." In other words, Appellants' limitation receives an identifier that identifies a particular element. The element claimed by Appellants may or may not be an instance element. On the other hand, Sun WBEM only teaches selection of a particular "class" of objects and does not teach or suggest a lower granularity of selecting a particular instantiated object that was created based upon a given class.

In the Advisory Action, the Examiner states that this limitation was addressed in the Final Office Action on page 7 and can be found in the WBEM reference at the bottom of page 36. However, this section of WBEM shows "how to display instances of an existing class", but does not retrieve an instance name from a management data definition *in response to determining that the element is an instance element*, as claimed by Appellants. For the first time, in the Advisory Action, the Examiner states that "the originally filed specification does not appear to expressly provide a definition for an "element identifier." In contrast to the Examiner's erroneous assertion, Appellants provide a very clear definition and description for element identifiers. At the top of page 40 in Appellants' specification it states:

A key property is part of a larger **identifier that is used to uniquely identify an element**. A non-propagated key value means that the particular value is not being passed down from a parent object to the element. The construction of the display name is performed by specifying the national language translated string corresponding to the key property name followed by an equal sign

(“=”) which is followed by the value of the property with commas separating the name/value pairs from one another.

Appellants therefore respectfully submit that Sun WBEM does not teach or suggest “receiving an element identifier,” as claimed by Appellants. Appellants other claim limitations are based upon starting with a received “element identifier.” Because Sun WBEM does not teach or suggest selecting or receiving an “element identifier,” it follows that it is highly unlikely that Sun WBEM teaches or suggests Appellants’ remaining limitations. As discussed below, this is indeed the case.

Appellants’ next limitation, “retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element” is also not taught or suggested by Sun WBEM. Indeed, as discussed above, Sun WBEM only teaches selection of a “class” and therefore, by definition, does not teach or suggest retrieving a name that could correspond to an “instance” element, as taught and claimed by Appellants. Indeed, on the last sentence of page 6 of the Final Office Action, the Examiner admits that a “class” is a non-instance element.

However, the Examiner contends that Sun WBEM also teaches the second aspect of this limitation, “wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element.” As shown above, the Examiner has admitted that the data received (“selected”) in the Sun WBEM reference is a “class” and that a class is “inherently a non-instance element.” Instead, the Examiner points to page 36 of Sun WBEM that states “If the selected class has instances, the instances are displayed in the left frame of the Instances window.” However, the “retrieved name” for an instance element in Sun WBEM does not correspond to Sun WBEM’s “element identifier.” Instead, Sun WBEM teaches that an entire class of instantiated objects is “displayed” to the user.

The final three limitations of Appellants’ claims relate to providing national language support (NLS) to a user. For example, if a user’s national language is “French,” these limitations

allow for the retrieved name to be replaced with a French qualifier value. The limitations are as follows:

- locating a qualifier corresponding to the retrieved name;
- reading a qualifier value corresponding to the qualifier; and
- replacing the retrieved name with the qualifier value prior to the displaying.

The “qualifier” identifies the retrieved name and is used to locate the “qualifier value” that corresponds to the retrieved name. Continuing our example, if the retrieved name is the word “window,” Appellants’ limitations would locate a qualifier corresponding to “window,” read a qualifier value corresponding to the located qualifier and find that the French word “Fenêtre” should be displayed instead of the English retrieved name “Window.” Then the “retrieved name” would be replaced with the qualifier value, substituting “Fenêtre” for “Window,” prior to displaying the retrieved name. So, in Appellants’ claimed invention, a French speaking user would see “Fenêtre” instead of “Window” on the display because of the last three limitations of the independent claims.

Sun WBEM simply does not provide any National Language Support (NLS) as taught and claimed by Appellants. The Examiner contends that Sun WBEM teaches “locating a qualifier corresponding to the retrieved name” and “reading a qualifier value corresponding to the qualifier,” however the qualifiers taught by Sun WBEM are not analogous to those taught and claimed by Appellants. Appellants qualifier values are used in place of the retrieved name because Appellants’ limitations are being used to provide National Language Support. Sun WBEM, on the other hand, teaches qualifiers such as data types and values that are not used to replace the retrieved name because they are not being used to provide National Language Support. In the Advisory Action, the Examiner notes that “the features upon which applicant relies (i.e., “NLS”) are not recited in the rejected claims.” Appellants noted that the “locating,” “reading,” and “replacing” steps are steps undertaken to perform National Language Support functions and that these steps are not taught or suggested by either WBEM or Tett. The fact that these claims perform translation (i.e., “NLS”) functions is further spelled out in claims 4, 11, and 18 further claiming such “translating” steps.

While the Examiner admits that Sun WBEM does not teach or suggest *replacing the retrieved name with a qualifier value prior to displaying*, the Examiner points to Tett as teaching this limitation. However, TETT does not teach or suggest providing the type of national language support taught and claimed by Appellants by “replacing a retrieved name with a qualifier value.” Instead, TETT teaches a technique of receiving a text message containing condensed content in a wireless receiver and expanding the message into a full-text version once the message is received:

A method and apparatus for controlling message delivery to wireless receiver devices can be used for example to condense textual messages intended for a wireless receiver device by abbreviating various words in the message. Thus, a first message addressed to a wireless receiver device (20) is received and stored in a storage medium (14). The received message is then translated into a second message using a pre-defined dictionary associated with the wireless receiver device. The second message is then sent to the wireless receiver device. Thus, the wireless receiver device receives shorter messages conveying the same information as the original message that was to be sent to the wireless receiver device. The translating feature can also be used to code messages or translate messages into a different language. [TETT, Abstract].

While TETT clearly performs the task of expanding abbreviated words in a wireless text message into full-text versions of those words, as shown above, nowhere does TETT teach or suggest replacing a name retrieved from a management data definition with a qualifier value. TETT teaches the expansion of abbreviated *wireless text messages*, not names that are retrieved from a management data definition, as recited in Appellants’ claims.

Further, TETT does not teach replacing the text of such messages with *qualifier values*, as recited in Appellants’ claims, either. TETT teaches replacing abbreviations with the full-text equivalents of those abbreviations. Appellants respectfully submit that the Examiner has not met his *prima facie* burden of demonstrating how the full-text expansions of abbreviated words in a wireless message constitute *qualifier values*.

Moreover, the TETT wireless messages are not *retrieved*, as in the presently claimed invention. TETT’s wireless receiver passively receives messages from wireless transmitters and does not actively seek out and retrieve information. Thus, Appellants fail to see, even under the broadest reasonable interpretation of Appellants’ claims, how TETT could be construed as teaching or suggesting Appellants’ claimed feature of replacing a *retrieved name*.

Appellants have overcome the rejections of claims 1, 8, and 15. The remaining independent claims (22-26 and 28) each include one or more limitations in common with claims 1, 8, and 15 and not taught by the combination of Sun WBEM in view of Tett, as described above. In addition, the remaining dependent claims are each allowable as each depends directly or indirectly on an allowable base claim. Consequently, Appellants respectfully request that the Board REVERSE the Examiner's rejection of claims 1, 8, and 15.

**Group 2 – Dependent Claims 2, 9, and 16**

Dependent claims 2, 9, and 16 are allowable because they depend upon allowable base claims, as set forth in the section above discussing the allowability of Group 1 claims. Each of these claims provides further detailed limitations regarding the management data definition set forth in the independent claims. Specifically, these claims claim that the management data definition includes a common information model managed object format file. As described in further detail regarding the Group 1 claims, neither WBEM nor Tett, alone or in combination with each other, teaches retrieving a name from a management data definition. Furthermore, as such applies to Group 2 claims, neither WBEM nor Tett, teach or suggest retrieving a name from a management data definition that includes a common information model managed object format file, as set forth in each of the Group 2 claims.

**Group 3 – Independent Claims 24 and Dependent Claims 4, 11, and 18**

Dependent claims 4, 11, and 18 are allowable because they depend upon allowable base claims, as set forth in the section above discussing the allowability of Group 1 claims. In addition, each of these claims are independently allowable because they provide additional limitations that are not taught or suggested by the prior art. Claim 24 is an independent claim that claims dependent claim 11 in independent form. The additional limitations set forth in these claims include:

- searching a translation file for a translated string that corresponds to the retrieved name; and
- replacing the retrieved name with the translated string prior to the displaying.

In the Final Office Action, the Examiner admits that Sun WBEM does not teach or suggest these limitations. Instead, the Examiner points to Tett as teaching these limitations. Appellants respectfully disagree and traverse the rejections.

TETT does not teach or suggest replacing a retrieved name with a qualifier value. TETT teaches a technique of receiving a text message containing condensed content in a wireless receiver and expanding the message into a full-text version once the message is received:

A method and apparatus for controlling message delivery to wireless receiver devices can be used for example to condense textual messages intended for a wireless receiver device by abbreviating various words in the message. Thus, a first message addressed to a wireless receiver device (20) is received and stored in a storage medium (14). The received message is then translated into a second message using a pre-defined dictionary associated with the wireless receiver device. The second message is then sent to the wireless receiver device. Thus, the wireless receiver device receives shorter messages conveying the same information as the original message that was to be sent to the wireless receiver device. The translating feature can also be used to code messages or translate messages into a different language. [TETT, Abstract].

While TETT clearly performs the task of expanding abbreviated words in a wireless text message into full-text versions of those words, as shown above, nowhere does TETT teach or suggest replacing a name retrieved from a management data definition with a qualifier value. TETT teaches the expansion of abbreviated *wireless text messages*, not names that are retrieved from a management data definition, as recited in Appellants' claims.

Further, TETT does not teach replacing the text of such messages with *qualifier values*, as recited in Appellants' claims, either. TETT teaches replacing abbreviations with the full-text equivalents of those abbreviations. Appellants respectfully submit that the Examiner has not met his *prima facie* burden of demonstrating how the full-text expansions of abbreviated words in a wireless message constitute *qualifier values*.

Moreover, the TETT wireless messages are not *retrieved*, as in the presently claimed invention. TETT's wireless receiver passively receives messages from wireless transmitters and does not actively seek out and retrieve information. Thus, Appellants fail to see, even under the broadest reasonable interpretation of Appellants' claims, how TETT could be construed as teaching or suggesting Appellants' claimed feature of replacing a *retrieved name*.

In light of the foregoing, Appellants respectfully request that the Board REVERSE the Examiner's rejection of claims 4, 11, and 18.

**Group 4 – *Dependent Claims 5, 12, and 19***

Claims 5, 12, and 19 depend on independent claims 1, 8, and 16, respectively, and provide the following further limitations:

- receiving an element request from a calling routine, the element request including the element identifier; and
- returning the retrieved name to the calling routine

The Examiner has never examined the limitations provided in claims 5, 12, and 19. Instead, the Examiner simply stated that “In regard to claim 5, the above rejection of claim 1 is incorporated. All further limitations have been addressed in the above rejection of claim 1.” In contrast to the Examiner's assertion, claims 5, 12, and 19 add specific limitations dealing with the re-usability of Appellants' claimed invention. Appellants disclose a system that can be used with a number of management definition (MOF) files. This flexibility is claimed in claims 5, 12, and 19. Rather than a system like that described in WBEM that is closely tied to a specific MOF file, Appellants' claimed invention, as set forth in claims 5, 12, and 19, provides for a separate routine that receives an element request from a calling routine, retrieves the name that will be displayed on the display device, and returns the retrieved name to the calling routine.

Neither the WBEM reference nor the Tett patent teach or suggest this flexibility. Moreover, the Examiner has failed to set forth rejections of claims 5, 12, and 19. This is likely because the cited reference simply fail to teach or suggest the claim limitations set forth in claims 5, 12, and 19. In light of the foregoing, Appellants respectfully request that the Board REVERSE the Examiner's rejection of claims 5, 12, and 19.

**Group 5 – *Independent Claims 23 and 25 and Dependent Claims 6 and 13, and 20***

Claims 6, 13, and 20 depend on independent claims 1, 8, and 16, respectively, and provide the following further limitations:

- identifying a plurality of properties corresponding to the element identifier;
- retrieving a plurality of values, wherein each of the values corresponds with one of the properties; and
- writing each of the properties followed by the value corresponding to the property to the retrieved name.

Independent claims 23 and 25 are a method and computer program product, respectively, setting forth claims 6 and 20 in independent form. Each of these claims provides further detailed limitations regarding the management data definition set forth in the independent claims. Specifically, these claims claim that properties and values corresponding to the properties are retrieved and written to the *retrieved name*. As described in further detail regarding the Group 1 claims, neither WBEM nor Tett, alone or in combination with each other, teaches retrieving a name from a management data definition. Furthermore, as such applies to Group 5 claims, neither WBEM nor Tett, teach or suggest writing properties and values to the retrieved name. In light of the foregoing, Appellants respectfully request that the Board REVERSE the Examiner's rejection of claims 6, 13, and 20.

#### **Group 6 – Dependent Claims 7, 14, and 21**

Claims 7, 14, and 21 depend on independent claims 1, 8, and 16, respectively, and provide the following further limitations:

- identifying a property corresponding to the element identifier;
- retrieving a property name corresponding to the property; and
- writing the property name to the retrieved name.

The Examiner has never examined the limitations provided in claims 7, 14, and 21. Instead, the Examiner simply stated that “In regard to claim 7, the above rejection of claim 1 is incorporated. All further limitations have been addressed in the above rejection of claim 1.” In contrast to the Examiner's assertion, claims 7, 14, and 21 add specific limitations dealing with one embodiment for names to be retrieved. Namely, a property is identified for the element identifier, a property name is retrieved for the identified property, and the property name is



written to the retrieved name. WBEM displays certain aspects of a CIM/MOF file, but does not teach or suggest using property names within the CIM/MOF file as retrieved names that are displayed on the display device, as taught and claimed by Appellants.

Neither the WBEM reference nor the Tett patent teach or suggest using property names as retrieved names that are displayed on the display device. Moreover, the Examiner has failed to set forth rejections of claims 7, 14, and 21. This is likely because the cited reference simply fail to teach or suggest the claim limitations set forth in claims 7, 14, and 21. In light of the foregoing, Appellants respectfully request that the Board REVERSE the Examiner's rejection of claims 7, 14, and 21.

### **Group 7 – Independent Claim 22**

Claim 22 is an independent claim that sets forth the following limitations:

- receiving an element identifier;
- retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element, wherein the management data definition includes a common information model managed object format file;
- retrieving an instance name from a management data definition in response to determining that an element corresponding to the element identifier is an instance element;
- locating a qualifier corresponding to the retrieved name;
- reading a qualifier value corresponding to the qualifier;
- replacing the retrieved name with the qualifier value; and
- displaying the retrieved name on a display device.

The Examiner *has never examined* the limitations provided in claim 22. Instead, the Examiner simply states that “In regard to claim 22, all limitations have been addressed in the above rejections of claim 1.” A simple reading of the claims reveals that the limitations of claims 1 and 22 are not the same. In claim 22, Appellants claim “retrieving an instance name from a management data definition in response to determining that an element corresponding to the element identifier is an instance element.” Neither WBEM nor Tett teach or suggest retrieving an “instance name.” WBEM evaluates “classes” and, as known by those skilled in the art, a “class” per se, does not have “instance names.” Objects, based on classes, have instance names, however, WBEM fails to teach or suggest retrieving any data whatsoever, from instantiated objects. In light of the foregoing, Appellants respectfully request that the Board *REVERSE* the Examiner’s rejection of claim 22.

**Group 8 – Independent Claim 26, Dependent Claim 27, and Independent Claim 28**

Appellants independent claims 26 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sun WBEM in view of “Common Information Model (CIM) Specification” (hereinafter “CIM Specification”) in further view of “DMTF Core CIM v2.4 LDAP Mapping” (hereinafter “CIM Mapping”), both references by Distributed Management Task Force, Inc. Appellants respectfully traverse the rejections.

Each of these independent claims include limitations of:

- identifying a data element in a model of a managed system;
- constructing a display name for the data element, wherein said constructing includes:

- ◆ determining if a pre-defined display name is associated with the data element, wherein the pre-defined display name is a qualifier value associated with the data element;
- ◆ in response to a determination that a display name is associated with the data element, constructing the display name from the pre-defined display name;
- ◆ determining if the data element corresponds to an instance in the system model;
- ◆ in response to a determination that the data element corresponds to an instance in the system model and that no pre-defined display name is associated with the data element, constructing the display name from one or more non-propagated key properties associated with the data element; and
- displaying the display name on a display device.

The Final Office Action contends that Sun WBEM teaches the identification of elements and the construction of display names. Appellants discussed how Sun WBEM did not teach the same identification as Appellants' claimed invention in the preceding section. In addition, Appellants' "construction" of display names includes several further limitations. The Final Office Action admits that Sun WBEM does not teach or suggest these further limitations, therefore, Appellants respectfully submit that Sun WBEM does not teach or suggest Appellants' claimed "construction" of display names. However, the Final Office Action contends that the CIM Specification teaches these further limitations. As detailed below, Appellants disagree with the Examiner's position because the CIM Specification does not teach or suggest each of these limitations.

In particular, Appellants' limitation of *"in response to a determination that the data element corresponds to an instance in the system model and that no pre-defined display name is associated with the data element, constructing the display name from one or more non-propagated key properties associated with the data element"* is not taught by the CIM Specification. Indeed, in rejecting this limitation, the Examiner leaves out the important distinction of this claim limitation – namely that it is constructed from **"non-propagated key properties."** The Final Office Action paraphrased Appellants' claim as being *"in response to a determination that the data element corresponds to an instance in the system model and that no pre-defined display name is associated with the data element, construction the display name from one or more ... key properties associated with the data element."* The ellipses (...) used by the Examiner in quoting Appellants' limitation removed the word "non-propagated" from

Appellants' claim. In other words, the Examiner essentially re-wrote Appellants claim removing an essential term ("non-propagated") in order for the limitation to more closely align with the teachings of the CIM Specification. As quoted by the Examiner from page 53 of the CIM Specification, the reference only teaches using a propagated key ("the model path is the combination of property value pairs that are marked with the KEY qualifier").

In the Advisory Action, the Examiner states that the CIM Mapping reference teaches the limitation of "*in response to a determination that the data element corresponds to an instance in the system model and that no pre-defined display name is associated with the data element, constructing the display name from one or more non-propagated key properties associated with the data element,*" citing the top of page 7 of the CIM Mapping reference. However, the CIM Mapping reference teaches mapping CIM model to a "Lightweight Directory Access Protocol" (LDAP) which is a protocol used to access a directory listing. Importantly, the CIM Mapping reference does not teach or suggest "retrieving a non-instance name **if it is determined that an element corresponding to the element identifier is a non-instance element...**" Instead, the CIM Mapping reference teaches that the determination is made based upon whether "the DIT structure follows the CIM namespace structure" and is not based upon determining whether the "element identifier is a non-instance element," as taught and claimed by Appellants.

It is clear that the CIM Specification, either alone or in combination with the other references, does not teach or suggest "constructing the display name from one or more non-propagated key properties associated with the data element." Instead, as described above, the CIM Specification teaches the exact opposite. Namely, the name displayed in the CIM Specification is a propagated key property. This limitation is in both claims 26 and 28, therefore these claims are allowable over the references for at least this reason. Claim 27 depends on claim 26 and is allowable for at least this reason. In addition, claim 27 is independently allowable for the reasons set forth below.

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sun WBEM in view of the CIM Specification in view of CIM Mapping and further in view of Tett. Appellants respectfully traverse the rejection.

Claim 27 depends on claim 26 and is therefore patentable because it depends on an allowable claim, as set forth in section 2, above. Furthermore, claim 27 adds the limitation of “*wherein determining if a pre-defined display name is associated with the data element includes determining if a pre-defined display name in a designated natural language is associated with the data element,*” which is not taught in any of the references. The Final Office Action admits that Sun WBEM does not teach this limitation. However, the Final Office Action contends that Tett teaches this limitation. Appellants respectfully disagree.

The Examiner avers that Tett teaches “replacing one string, or name, with another.” (page 13, para. 13 of Final Office Action). However, this is not the limitation set forth in claim 27. In claim 27 a determination is made as to whether “a pre-defined display name in a designated natural language is associated with the data element” as well as a determination as to whether “a pre-defined display name is associated with the data element.” Tett does no such determinations. Instead, Tett receives a wireless transmission with a compressed message and simply expands the compressed message to a second message (see Tett, Abstract). While Tett does teach that some wireless messages can be translated from one language to another using a custom dictionary, Tett does not teach or suggest “determining if a pre-defined display name is associated with the data element,” nor does Tett teach or suggest “determining if a pre-defined display name in a designated natural language is associated with the data element.” Being a simple, wireless translation mechanism, Tett does not teach or suggest any pre-defined display names. Instead, Tett simply translates a wireless message using a custom dictionary without teaching or suggesting use of any pre-defined display names.

In the Advisory Action, the Examiner states that Tett’s “dictionary can be interpreted as providing pre-defined display names.” This makes no sense. Tett’s dictionary is used to look up wirelessly transmitted data and is not used to provide “pre-defined display names.” Other than the Examiner’s overly broad interpretation, the Examiner provides no citation to Tett that shows that Tett teaches or suggests using the custom dictionary for “pre-defined display names.” A review of Tett reveals that Tett never teaches or suggests using *ANY* pre-defined display names. Instead, Tett teaches dynamically condensing and expanding textual messages transmitted between wireless devices.

Appellants have therefore overcome the rejection of dependent claim 27. In light of the foregoing, Appellants respectfully request that the Board REVERSE the Examiner's rejection of claims 26, 27, and 28.

**Conclusion**

For the foregoing reasons, Appellants submit that claims 1-2, 4-16, and 18-28 are patentable over the cited prior art. Accordingly, Appellants respectfully requests that the Examiner's claim rejections be reversed and claims 1-2, 4-16, and 18-28 be allowed.

Respectfully submitted,

By /Joseph T. Van Leeuwen, Reg. No. 44,383/  
Joseph T. Van Leeuwen, Reg. No. 44,383  
Attorney for Appellants  
Telephone: (512) 301-6738  
Facsimile: (512) 301-6742

**I. APPENDIX OF CLAIMS**

1. A method of generating display names for management definition data elements, said method comprising:
  - receiving an element identifier;
  - retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element;
  - displaying the retrieved name on a display device;
  - locating a qualifier corresponding to the retrieved name;
  - reading a qualifier value corresponding to the qualifier; and
  - replacing the retrieved name with the qualifier value prior to the displaying.
- 2 The method as described in claim 1 wherein the management data definition includes a common information model managed object format file.
- 3 (canceled)
- 4 The method as described in claim 1 further comprising:
  - searching a translation file for a translated string that corresponds to the retrieved name;
  - and
  - replacing the retrieved name with the translated string prior to the displaying.
- 5 The method as described in claim 1 further comprising:
  - receiving an element request from a calling routine, the element request including the element identifier; and
  - returning the retrieved name to the calling routine.
- 6 The method as described in claim 1 wherein retrieving the instance name further comprises:
  - identifying a plurality of properties corresponding to the element identifier;

retrieving a plurality of values, wherein each of the values corresponds with one of the properties; and

writing each of the properties followed by the value corresponding to the property to the retrieved name.

7 The method as described in claim 1 wherein retrieving the instance name further comprises:

identifying a property corresponding to the element identifier;

retrieving a property name corresponding to the property; and

writing the property name to the retrieved name.

8 An information handling system comprising:

one or more processors;

a memory accessible by the processors;

a nonvolatile storage area accessible by the processors; and

a display name tool for generating display names from a management definition file stored on the nonvolatile storage device, the display name tool including:

input logic for receiving an element identifier;

retrieval logic for retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element;

display logic for displaying the retrieved name on a display device;

locator logic for locating a qualifier corresponding to the retrieved name;

read logic for reading a qualifier value corresponding to the qualifier; and

replace logic for replacing the retrieved name with the qualifier value prior to the displaying.

9 The information handling system as described in claim 8 wherein the management data definition includes a common information model managed object format file.



10 (canceled)

11 The information handling system as described in claim 8 further comprising:

retrieval logic for searching a translation file for a translated string that corresponds to the retrieved name; and

output logic for replacing the retrieved name with the translated string prior to displaying the retrieved name.

12 The information handling system as described in claim 8 further comprising:

input logic for receiving an element request from a calling routine, the element request including the element identifier; and

response logic for returning the retrieved name to the calling routine.

13 The information handling system as described in claim 8 wherein the retrieval logic for retrieving the instance name further comprises:

identification logic for identifying a plurality of properties corresponding to the element identifier;

retrieval logic for retrieving a plurality of values, wherein each of the values corresponds with one of the properties; and

output logic for writing each of the properties followed by the value corresponding to the property to the retrieved name.

14 The information handling system as described in claim 8 wherein the retrieval logic for retrieving the instance name further comprises:

identification logic for identifying a property corresponding to the element identifier;

retrieval logic for retrieving a property name corresponding to the property; and

output logic for writing the property name to the retrieved name.

15 A computer program product stored on a computer operable medium for generating display names for management definition data elements, said computer program product comprising:

means for receiving an element identifier;

means for retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element;

means for displaying the retrieved name on a display device;

means for locating a qualifier corresponding to the retrieved name;

means for reading a qualifier value corresponding to the qualifier; and

means for replacing the retrieved name with the qualifier value prior to the displaying.

16 The computer program product as described in claim 15 wherein the management data definition includes a common information model managed object format file.

17 (canceled)

18 The computer program product as described in claim 15 further comprising:

means for searching a translation file for a translated string that corresponds to the retrieved name; and

means for replacing the retrieved name with the translated string prior to the displaying.

19 The computer program product as described in claim 15 further comprising:

means for receiving an element request from a calling routine, the element request including the element identifier; and

means for returning the retrieved name to the calling routine.

20 The computer program product as described in claim 15 wherein the means for retrieving the instance name further comprises:

means for identifying a plurality of properties corresponding to the element identifier;

means for retrieving a plurality of values, wherein each of the values corresponds with one of the properties; and

means for writing each of the properties followed by the value corresponding to the property to the retrieved name.

- 21 The computer program product as described in claim 15 wherein the means for retrieving the instance name further comprises:
- means for identifying a property corresponding to the element identifier;
  - means for retrieving a property name corresponding to the property; and
  - means for writing the property name to the retrieved name.
- 22 A method of generating display names for management definition data elements, said method comprising:
- receiving an element identifier;
  - retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element, wherein the management data definition includes a common information model managed object format file;
  - retrieving an instance name from a management data definition in response to determining that an element corresponding to the element identifier is an instance element;
  - locating a qualifier corresponding to the retrieved name;
  - reading a qualifier value corresponding to the qualifier;
  - replacing the retrieved name with the qualifier value; and
  - displaying the retrieved name on a display device.
- 23 A method of generating display names for management definition data elements, said method comprising:
- receiving an element identifier;
  - retrieving an instance name from a management data definition in response to determining that an element corresponding to the element identifier is an instance element, the retrieving an instance name further including:

- identifying a plurality of properties corresponding to the element identifier;
- retrieving a plurality of values, wherein each of the values corresponds with one of the properties; and
- writing each of the properties followed by the value corresponding to the property to the retrieved name; and
- displaying the retrieved name on a display device;
- locating a qualifier corresponding to the retrieved name;
- reading a qualifier value corresponding to the qualifier; and
- replacing the retrieved name with the qualifier value prior to the displaying.

24 An information handling system comprising:

- one or more processors;
- a memory accessible by the processors;
- a nonvolatile storage area accessible by the processors; and
- a display name tool for generating display names from a management definition file stored on the nonvolatile storage device, the display name tool including:

input logic for receiving an element identifier;

retrieval logic for retrieving a non-instance name from a management data definition in response to determining that an element corresponding to the element identifier is a non-instance element, wherein the management data definition includes a common information model managed object format file;

retrieval logic for retrieving an instance name from the management data definition in response to determining that an element corresponding to the element identifier is an instance element;

display logic for displaying the retrieved name on a display device;

retrieval logic for searching a translation file for a translated string that corresponds to the retrieved name; and

output logic for replacing the retrieved name with the translated string prior to displaying the retrieved name.

- 25 A computer program product stored on a computer operable medium for generating display names for management definition data elements, said computer program product comprising:
- means for receiving an element identifier;
  - means for retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element, wherein the management data definition includes a common information model managed object format file;
  - means for displaying the retrieved name on a display device;
  - means for locating a qualifier corresponding to the retrieved name;
  - means for reading a qualifier value corresponding to the qualifier; and
  - means for replacing the retrieved name with the qualifier value prior to the displaying.

- 26 A computer-implemented method comprising:
- identifying a data element in a model of a managed system;

constructing a display name for the data element, wherein said constructing includes:

determining if a pre-defined display name is associated with the data element, wherein the pre-defined display name is a qualifier value associated with the data element;

in response to a determination that a display name is associated with the data element, constructing the display name from the pre-defined display name;

determining if the data element corresponds to an instance in the system model;

in response to a determination that the data element corresponds to an instance in the system model and that no pre-defined display name is associated with the data element, constructing the display name from one or more non-propagated key properties associated with the data element; and displaying the display name on a display device.

27 The method of claim 26, wherein determining if a pre-defined display name is associated with the data element includes determining if a pre-defined display name in a designated natural language is associated with the data element.

28 A computer program product stored on a computer operable medium, said computer program product comprising:

first instructions for identifying a data element in a model of a managed system;

second instructions for constructing a display name for the data element, wherein said constructing includes:

third instructions for determining if a pre-defined display name is associated with the data element, wherein the pre-defined display name is a qualifier value associated with the data element;

fourth instructions for constructing the display name from the pre-defined display name in response to a determination that a display name is associated with the data element;

fifth instructions for determining if the data element corresponds to an instance in the system model;

sixth instructions for constructing the display name from one or more non-propagated key properties associated with the data element in response to a determination that the data element corresponds to an instance in the system model and that no pre-defined display name is associated with the data element; and

seventh instructions for displaying the display name on a display device.

**J. EVIDENCE APPENDIX**

Not applicable.



**K. RELATED PROCEEDINGS APPENDIX**

Not applicable.